

TOWN OF EAST HAMPTON

AGENDA REPORT

Town Manager Approval: JOK (cl)

Item to be presented by: Keith Hayden

DATE: April 27, 2010

SUBJECT: Flanders Road Reconstruction Project – Phase 3

DEPARTMENT: Public Works

RECOMMENDED ACTION

It is recommended that the contract be awarded to the lowest qualified bidder, CAS Construction Company. The low bid is in the amount of \$227,400.

BACKGROUND

The invitation to bid for the project was advertised in the Hartford Courant and posted on the State of Connecticut DAS website. The Town received 7 sealed bids. The bids were opened on March 31, 2010. The engineers estimate for this phase of work was \$250,000

CLA Engineers Inc. reviewed the bids and has recommended that the contract be awarded to CAS Construction Company. (Copy attached.)

ALTERNATIVE ACTIONS

Not award the bid and re-advertise the project.

FISCAL IMPACT

Sufficient funds remain in the original capital improvement project to cover the \$227,400 construction costs.

EH: Clerks Office

AGENDA ITEM: 5A

CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET • NORWICH, CT 06360 • (860) 888-1966 • (860) 888-9185 FAX

April 6, 2010

Mr. Jeffery O'Keefe
Town Manager
20 East High Street
East Hampton, CT 06424

RE: Flanders Road Improvement Project
Project No. 3
CLA-2739

Mr. O'Keefe:

We have reviewed the seven bids received on March 31, 2010 for the Flanders Road Improvement Project No. 3. A copy of the bid tabulation is attached. We find that the low bid submitted by CAS Construction Co., Inc. is acceptable in the amount of \$227,400.00 and within our engineers estimate for this phase of the construction of \$250,000.00.

The contractor is currently in the process of completing the Flanders Road Improvement Project No. 2. With this and our knowledge of previous projects, including the roadway system for the Whispering Woods Subdivision located in Town, indicates that CAS Construction Co., Inc. has the equipment and experience necessary to complete this project.

It is recommended that the contract be awarded to CAS Construction Co., Inc. in the amount of \$227,400.00.

Very truly yours,



Kyle Haubert, P.E.

Cc: Keith Hayden, P.E.

TOWN OF EAST HAMPTON

AGENDA REPORT

Town Manager Approval: JOL

Item to be presented by: Keith Hayden

DATE: April 27, 2010

SUBJECT: Haddam Neck Road Rehabilitation - State Project No. 44-114

DEPARTMENT: Public Works

RECOMMENDED ACTION

It is recommended that the contract be awarded to the lowest qualified bidder, Charles Pasteryak, Jr. Inc. The low bid is in the amount of \$137,560.00.

BACKGROUND

The invitation to bid for Project 41-114 was advertised in the Hartford Courant and posted on the State of Connecticut DAS website on February 20, 2010. Fifteen sets of bid documents were obtained by potential bidders. The Town received 8 sealed bids. The bids were opened on March 17, 2010.

CLA Engineers Inc. reviewed the bids and has recommended that the contract be awarded to Charles Pasteryak, Jr. Inc. (Copy attached.) A cost breakdown of the three lowest bidders and a list of all bids received are attached for reference. The State of Connecticut Department of Transportation has also reviewed all the bid information and ConnDOT concurs with the recommendation that the contract be awarded to Charles Pasteryak, Jr. Inc. (Copy attached.)

ALTERNATIVE ACTIONS

Not award the bid and re-advertise the project.

FISCAL IMPACT

100% of the construction costs are paid for by ARRA (American Recovery and Reinvestment Act) funds.
100% of the inspection costs will be paid for from Town funds estimated to be \$12,000-\$15,000.
Construction is scheduled to last for 32 days.

EH: Clerks Office

AGENDA ITEM: 5A

CLA Engineers, Inc.

Civil • Structural • Survey

317 MAIN STREET • NORWICH, CT 06360 • (860) 886-1966 • (860) 886-9165 FAX

March 19, 2010

Mr. Keith Hayden
Director of Public Works
20 East High Street
East Hampton, CT 06424

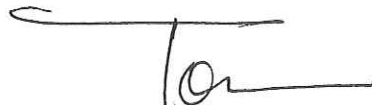
RE: Haddam Neck Road Reclamation Project
CT DOT #41-114
CLA-4556

Dear Keith:

We have reviewed the bids submitted for the Haddam Neck Road Reclamation Project and we recommend award of the contract to Charles Pasteryak, Jr. Inc. in the amount of \$137,560.00.

The bid submitted by Charles Pasteryak, Jr. Inc. was the lowest of nine bids submitted. The bid was below the estimated construction amount and was found to be in order. The low bidder is known to this firm to be a responsible company with the capability to perform the required work.

Very truly yours,



Thomas L. Cummings, P.E.
Principal

TLC:bab

HADDAM NECK ROAD
REHABILITATION
EAST HAMPTON, CT
3/18/2010

CLA-4556

BID TABULATION

	Item	Qty.	Unit	CHARLES PASTERYAK JR. INC.		EMPIRE PAVING		ALL STATES ASPHALT, INC.	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
202529	CUT BIT. CONCRETE PAVEMENT	100	L.F.	\$2.00	\$200.00	\$1.00	\$100.00	\$5.00	\$500.00
0304002A	PROCESSED AGGREGATE BASE	100	C.Y.	\$12.00	\$1,200.00	\$1.00	\$100.00	\$25.00	\$2,500.00
0403873A	FULL DEPTH RECLAMATION	9400	S.Y.	\$1.50	\$14,100.00	\$1.87	\$17,578.00	\$1.30	\$12,220.00
406236	MATERIAL FOR TACK COAT	140	GAL.	\$0.40	\$56.00	\$5.70	\$798.00	\$0.01	\$1.40
406442	BIT. CONCRETE CLASS 1	1250	TON	\$69.90	\$87,375.00	\$72.54	\$90,675.00	\$71.00	\$88,750.00
507006	TYPE "C" CATCH BASIN TOP	2	EA.	\$375.00	\$750.00	\$750.00	\$1,500.00	\$625.00	\$1,250.00
815001	BIT. CONCRETE LIP CURBING	700	L.F.	\$3.00	\$2,100.00	\$6.73	\$4,711.00	\$3.00	\$2,100.00
922501	BIT. CONCRETE DRIVEWAY	700	S.Y.	\$12.00	\$8,400.00	\$31.15	\$21,805.00	\$30.00	\$21,000.00
944002	FURNISHING & PLACING TOPSOIL	2250	S.Y.	\$3.00	\$6,750.00	\$3.43	\$7,717.50	\$7.25	\$16,312.50
950005	TURF ESTABLISHMENT	2250	S.Y.	\$0.50	\$1,125.00	\$0.80	\$1,800.00	\$1.35	\$3,037.50
0970007A	TRAFFIC PERSON - UNIFORMED FLAGGER	160	HR.	\$46.00	\$7,360.00	\$1.00	\$160.00	\$55.00	\$8,800.00
0971001A	MAIN. AND PROTECTION TRAFFIC	1	L.S.	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00
975002	MOBILIZATION	1	L.S.	\$500.00	\$500.00	\$9,092.00	\$9,092.00	\$2,000.00	\$2,000.00
0976002A	BARRICADE WARNING LIGHTS (HIGH INTENSITY)	20	DAYS	\$20.00	\$400.00	\$21.00	\$420.00	\$1.00	\$20.00
978001	TRAFFIC DRUM	20	EA.	\$25.00	\$500.00	\$1.00	\$20.00	\$20.00	\$400.00
0979003A	CONSTRUCTION BARRICADES - TYPE III	4	EA.	\$200.00	\$800.00	\$1.00	\$4.00	\$125.00	\$500.00
980001	CONSTRUCTION STAKING	1	L.S.	\$500.00	\$500.00	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00
981100	42 INCH TRAFFIC CONE	40	EA.	\$40.00	\$1,600.00	\$1.00	\$40.00	\$10.00	\$400.00
1210102	4" YELLOW EPOXY RESIN PAVEMENT MARKING	6800	L.F.	\$0.40	\$2,720.00	\$0.35	\$2,380.00	\$0.37	\$2,516.00
122011A	CONST. SIGNS - REFLECT. SHEET (TYPE III)	160	S.F.	\$4.00	\$640.00	\$14.00	\$2,240.00	\$20.00	\$3,200.00
	TOTAL				\$137,576.00		\$163,940.50		\$169,807.40

Town of East Hampton
Haddam Neck Road Rehabilitation
Bidders Results

<u>BID</u>	<u>CONTRACTOR</u>	<u>ADDRESS</u>
\$137,576.00	Charles Pasteryak, Jr. Inc.	20N Burnham Highway Lisbon, CT 06351
\$163,940.50	Empire Paving	30 Bernhard Road North Haven, CT 06473
\$169,987.40	All States Asphalt	127 Attawaugan Crossing Dayville, CT 06241
\$184,000.00	American Industries	630 Plainfield Road Jewett City, CT 06351
\$188,597.00	Waters Construction	300 Bostick Avenue Bridgeport, CT 06605
\$210,770.00	Red Technologies	10 Northwood Drive Bloomfield, CT 06002
\$212,606.00	Quality Associates	231 Silver Sands Road East Haven, CT 06512
\$214,260.00	Cherry Hill Construction	51 Ciro Road North Branford, CT 06471



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546
Phone: 860-594-3219



April 19, 2010

Mr. Keith Hayden, P.E.
Director of Public Works
Public Works Department
Town of East Hampton
20 East High Street
East Hampton, Connecticut 06424

Dear Mr. Hayden:

Subject: State Project No. 41-114
Federal Aid Project No. 1041(104)
American Recovery and Reinvestment Act of 2009
Pavement Rehabilitation on Haddam Neck Road
Town of East Hampton

The Department of Transportation (Department) has reviewed the bid information submitted by the Town of East Hampton (Town) for the subject project. We concur with the recommendation to award this project to the low bidder, Charles Pasteryak Jr., Inc. of Lisbon, Connecticut. Authorization to award the project is hereby conditionally granted, pending final approval of the contractor's proposed Disadvantaged Business Enterprise (DBE) subcontractors.

After the Department issues the final approval of the pending item, the Town should proceed as follows to ensure that the construction phase is properly coordinated with the Department's Office of Construction:

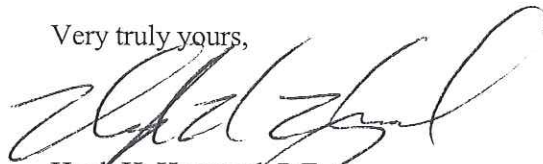
1. Schedule a pre-construction meeting by contacting Ms. Barbara Madejek at the District 2 office, at telephone number (860) 389-3160. Please notify this office of the date, time and location of the meeting as soon as possible after scheduling the meeting.
2. Forward to this office and to the District 2 office a copy of the executed contract between the Town and Charles Pasteryak Jr., Inc.

3. Schedule a conference with the Contractor, separate from the regular pre-construction meeting, for the exclusive purpose of discussing all phases of Equal Employment Opportunity (E.E.O.) and the establishment of coordinated procedures. It is necessary that the Contractor's Equal Employment Officer attend this conference. The District E.E.O. Officer should be invited to this meeting and will be available to assist the Town in conducting the meeting. The E.E.O. procedures must be satisfied prior to issuing a notice to proceed.
4. In accordance with Article (9) of the Town/State Construction Agreement, notify the District Office of the commencement of the construction activities via the enclosed CON 100M form. Failure to notify the District Office will jeopardize the Federal proportionate share of the funding for this project.

Please be advised that all change orders in the construction phase of this project must be requested in writing to the Department for review. These requests will be evaluated and must be approved by the State before the order can be given to the Contractor. Failure to obtain approvals could jeopardize Federal participation in the cost of these changes.

If you have any questions concerning the above named project, please contact Mr. Neil Patel, Project Engineer, at telephone number (860) 594-3411.

Very truly yours,



Hugh H. Hayward, P.E.
Principal Engineer-Consultant Design
Bureau of Engineering and Construction

Enclosure

cc: Mr. Jeffery J. O'Keefe, Town Manager
Ms. Amy D. Jackson-Grove, FHWA

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item presented by: _____

Jeffery J. O'Keefe

DATE: April 23, 2010

SUBJECT: Draft Social Media Policy

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Review, discuss and possibly adopt a "social media" policy.

BACKGROUND

With the emergence of new social media applications such as facebook, twitter, myspace, linkedin, etc, a policy on their use by town employees is warranted.

Council had directed the Town Manager to prepare a draft of a policy for their review and consideration.

Attached is a draft proposed policy for the Council's review and consideration.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None at this time.

EH: Clerks Office

AGENDA ITEM: _____

5B

SOCIAL MEDIA POLICY

1.0 PURPOSE:

To provide guidelines for conduct by Town Employees who use Social Media and Social Networking to interact with customers on behalf of the Town of East Hampton.

2.0 SCOPE:

All Town Employees

3.0 DEFINITIONS

- 3.1 “Social Media” are various forms of discussion- and information-sharing tools, including social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing, to name a few. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups (reference, social networking); Wikipedia (reference); MySpace and Facebook (social networking); YouTube (social networking and video sharing); Flickr (photo sharing); Twitter (social networking and microblogging); LinkedIn (business networking); and news media comment sharing/blogging. This policy covers all Social Media tools, both current and future.
- 3.2 “Social Networking” is the practice of expanding one’s business and/or social contacts by making connections through clubs, organizations, phone contacts, written correspondence or through web-based applications. This policy focuses on Social Networking as it relates to the Internet to promote such connections through Web-based groups established for that purpose.

4.0 RESPONSIBILITY

- 4.1 It is the responsibility of the Town Managers Office (or his/her designee) to act as the Town’s official spokesperson and maintain the Town’s official Web presence via Social Media/Networking and the Internet.
- 4.2 It is the responsibility of the Information Technology (IT) Department to administer security and monitoring measures that support this policy.

- 4.3 It is the responsibility of all Town Departments and employees who want to engage in Social Media/Networking in an official capacity for their Department or division to coordinate this activity with the Town Managers Office and IT.
- 4.4 The responsibility for assuring complete compliance with the provisions of this policy lies with the Department Director, supervisors and the individual employee involved. It is the responsibility of Social Media Users and those engaged in Social Networking to stay informed regarding Town policies related to this activity.

5.0 POLICIES

- 5.1 Town employees wanting to create and maintain Department-specific social media applications separate from the Town's applications must obtain approval from the Department Director and the Town Manager. Departments must provide specific reasons for maintaining separate social media applications. If approved, the Department Director and Town Manager will periodically review each application. Those that do not meet the Town's intended goals and objectives may be removed at any time.
- 5.2 All Town of East Hampton social media sites must adhere to all applicable federal, state and local laws, regulations and policies, including all IT and Town Records Management policies and other applicable Town policies.
- 5.3 Freedom of Information Act and e-discovery laws and policies apply to social media content and therefore content must be able to be managed, stored and retrieved to comply with these laws.
- 5.4 Each Town social media site must include an introductory statement that clearly specifies its purpose and topical scope. Where possible, Department social networking sites should link back to the official Town of East Hampton Internet site for forms, documents and other information.
- 5.4 All Social Network Sites must clearly indicate that any articles and other content posted or submitted for posting are subject to public disclosure.

- 5.5 The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable laws. Social Networking content or comments containing any of the following will not be allowed for posting:
- a. Comments or material not topically related to the site or article being commented upon;
 - b. Profane language or obscene content;
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
 - d. Personal attacks, insults or threatening language;
 - e. Plagiarized material; private, personal material published without consent; or potentially libelous material;
 - f. Conduct or encouragement of illegal activity;
 - g. Information that may tend to compromise the safety or security of the public or public systems;
 - h. Commercial promotions or spam;
 - i. Organized political activity.

5.6 Town employees representing the Town government via Social Media Sites must conduct themselves at all times as a representative of the Town and in accordance with all Human Resources Policies. Employees using Social Media Sites, whether as an administrator or as a responder to a posting, will follow these guiding principles:

- a. Maintain transparency by using your real name and job title, and by being clear about your role in regards to the subject.
- b. Write and post about your area of expertise, especially as related to the Town and your assignments. When writing about a topic for which you are not the Town's expert, make this clear to readers.
- c. Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
- d. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions, keep it appropriate and polite.
- e. Post meaningful, respectful comments that are on topic.
- f. Pause and think before posting. If you are about to post something that makes you even slightly uncomfortable, do not post it. Understand that postings are widely accessible, not easily retractable, and will be around for a long time, so consider content carefully.
- g. Ensure your comments do not violate the Town's privacy, confidentiality and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation or any parties with whom the Town may be in litigation without the appropriate approval.
- h. Ensure you have the legal right to publish others' material, including photos and articles pulled from other sites. Respect brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, include appropriate attributions.
- i. Make it clear that you are speaking for yourself and not on behalf of the Town, unless that is part of your duties with the Town. Remember that your postings are ultimately your responsibility.

5.7 The policies and guidelines outlined herein also apply to employees posting Town-related information on personal (non-Town) Social Media Sites.

6.0 DISCIPLINE

- 6.1 The Department Manager or designee is responsible for their employees' compliance with the provisions of this policy and for investigating non-compliance.
- 6.2 Suspension of Internet access may occur when deemed necessary to maintain the operation and integrity of the Town of East Hampton internal network.
- 6.3 Internet User account and password access may be withdrawn without notice if an employee violates this policy.
- 6.4 Lack of adherence to this policy may result in disciplinary action up to and including termination.
- 6.5 Where laws are violated, the Town may pursue criminal or civil action against the employee.

7.0 APPENDICES:

Social Media Networking Agreement Form

SOCIAL MEDIA NETWORKING APPROVAL/AGREEMENT FORM

Name: _____

Position/Title: _____

Department: _____

Division: _____

Social Media Site Approved: _____

Date Approved: _____

Approved by Department Manager: _____

(Manager Signature)

(Date)

Approved by Town Manager: _____

(Director Signature)

(Date)

I agree to use Town -approved Social Media Sites for Town business as appropriate and in compliance with this Policy. I understand that I must have approval from my Department Manager and the Town Manager to create a Social Media Site on behalf of the Town . I also understand that I am responsible for all postings made by me on Town Social Media Sites, including those made in the comments sections. I further understand that this policy also applies to Town -related postings made by me on personal (non-Town) Social Media Sites, and I agree to adhere to the guidelines in this policy when so doing.

I acknowledge that all Town -approved Social Media Sites are considered to be Town property and will be monitored by officials of the Town . I understand that employees do not have privacy rights in the use of Town Social Media Sites and the postings, data, access to or distribution of such materials is subject to Open Records.

I agree to abide by all security procedures as set forth by the IT Department, before accessing or posting to any Social Media Sites. I acknowledge that any abuse of Social Media Sites, including violation of the rules and guidelines set forth in this Policy or in any current or future modified Human Resources Policy and Procedure (Social Media Policy), can be grounds for disciplinary action, up to and including termination of my employment.

Printed Name

Signature

Date

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item presented by: _____

Jeffery J. O'Keefe

DATE: April 23, 2010

SUBJECT: Change in project scope for STEAP Grant

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Review, discuss and approve the "change in scope" project for the STEAP Grant, as recommended by the "Governor O'Neill Building Committee.

BACKGROUND

In February of 2008 the Town submitted a \$500,000 grant application for a Small Town Economic Assistant Grant program. The application was to build a small "pocket park" with a "memorial" to Governor Bill O'Neill.

The Town had programmed \$310,000 for the purchase of the project and \$190,000 for the design and construction of the project.

The State, however, only awarded the Town \$200,000 in total for the project, leaving a shortfall of \$300,000. The Town met with the property owner on several occasions to see if he might come down on the purchase price of the property. Three appraisals were conducted and they ranged from \$150,000 to \$335,000. The property owner, however, felt the value of the property, despite the lowest appraisal should still be around the \$300,000 range.

Upon award of the state grant a building committee was formed to begin the project. The committee was made up of two council members, Nikki O'Neill (the spouse of Governor O'Neill) resident Bob Drewry and some town staff members. After considering all the options the committee felt that unless the Town would be willing to commit \$300,000 to the project to supplement the shortfall from the grant award this particular project could not move forward. Realistically the committee felt the Town could not support additional funding in the amount of \$300,000 for this project. The committee then began to discuss alternatives, always keeping the main theme of "economic development" and attracting people to the Village center in mind.

After much discussion and review of possible alternate sites for the memorial, the committee came up with the idea of building a small "Governor O'Neill Amphitheatre" at Sears Park. The amphitheatre would be designed in such a way as to create a meaningful

AGENDA ITEM: _____

5C

memorial to the Governor, as well as provide an entertainment venue to attract folks to the area. It is thought that the amphitheatre would be used for such events as “Shakespeare in the Park,” local productions sponsored by the schools and Epoch Arts, Nature Talks, outdoor meetings, etc.

A small amphitheatre is also programmed into the Towns Sears Park Master Improvement program that originally was approved by Council late last year. By redirecting these funds to this project we can have a viable project and actually build the memorial to Governor Bill O’Neill which was the original intent of this application all along.

The committee directed the Town Manager to seek approval from the State for the ‘change in scope’ to see if it would even be a project the State would consider allowing the Town to do. The State has responded favorably (see attached letter from the Office of Policy and Management).

The building committee is now seeking support from the Town Council to approve the project scope change.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

No Cost to the Town, project would be fully funded by the \$200,000 STEAP Grant

EH: Clerks Office

AGENDA ITEM:_____

O'Neill Memorial Park Building Committee
Town of East Hampton
20 East High Street
East Hampton, CT 06424

April 23, 2010

East Hampton Town Council
20 East High Street
East Hampton, CT 06424

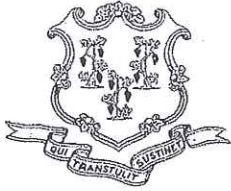
Dear Town Council Members:

As you know, the Town applied for a \$500,000 STEAP grant in February of 2008 for the purpose of building a memorial to the late Governor William O'Neill at the corner of Main Street and Route 66. The cost to purchase the property and the design and construction of the project totaled \$500,000. The grant was awarded for \$200,000, leaving a \$300,000 shortfall. The Committee felt the Town could not support funding an additional \$300,000 for the project. Instead, alternative projects were discussed and the idea for a "Governor O'Neill Amphitheatre" at Sears Park was formed. The amphitheatre would serve the residents as well as provide a meaningful tribute to the late Governor.

The O'Neill Memorial Park Building Committee gave unanimous support to change the scope of the project and asked the Town Manager to seek approval from the Office of Policy & Management. The approval has been received from the Office of Policy & Management to change the scope. The Committee now seeks support from the Town Council to approve the change in scope of the project to an amphitheatre at Sears Park in memory of Governor O'Neill.

Sincerely,

O'Neill Memorial Park Building Committee



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

April 1, 2010

Mr. Jeffery J. O'Keefe
Town Manager
Town of East Hampton
20 East High Street
East Hampton, Connecticut 06424

Dear Town Manager O'Keefe:

This letter is in response to the Town of East Hampton's request to modify the scope of a \$200,000 Small Town Economic Assistance Program (STEAP) grant awarded in fiscal year 2010 for the construction of streetscape improvements in the town's village center. Since the date of this award, the town has determined it would be more cost effective to purchase a different parcel of land located north of the originally proposed site acquisition.

The town requests the reallocation of the \$200,000 to be used to acquire land in a new location, and to construct an amphitheater and memorial to Governor William A. O'Neil. The Office of Policy and Management has approved this requested scope change to allow \$200,000 from the fiscal year 2010 STEAP award to be used for these purposes, but given concerns about water quality in Lake Pocotopaug, the town should coordinate with the Department of Environmental Protection to incorporate best management practices to protect this lake.

If you have any questions, please contact Barbara Rua of my staff at (860) 418-6303.

Sincerely,

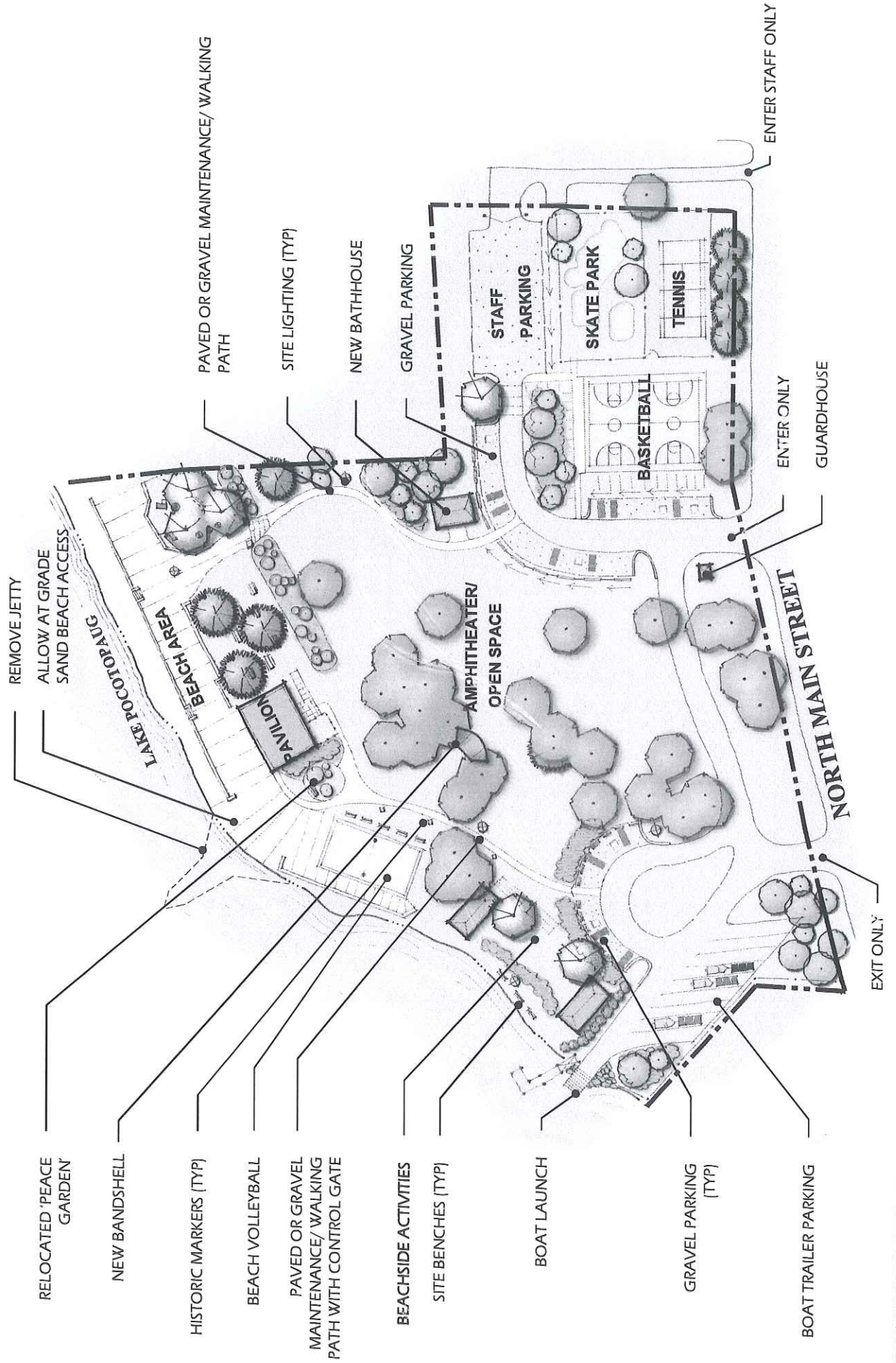
A handwritten signature in black ink, appearing to read "R. Genuario".

Robert L. Genuario
Secretary

cc: Department of Economic and Community Development

MASTER PLAN

SEARS PARK East Hampton, Connecticut



**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____

JDK

Item presented by: _____

Jeffery J. O'Keefe

DATE: April 23, 2010

SUBJECT: Presentation of Charter Revision Commission Final Report

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Presentation from Charter Revision Commission Chairperson of final Charter Revision Commission report. Discuss and schedule public hearing for May 11, 2010 for the Charter Revision Commissions report.

BACKGROUND

The Charter Revision Commission has completed its initial work and has produced a report of the proposed charter changes for the Town Councils review and consideration.

By state statute Town Council needs to hold a public hearing on these proposed changes prior to approving them to go to voters for approval. This public hearing will be scheduled for the council meeting on May 11, 2010.

Attached is the proposed Charter Revision Commission report for council consideration and action.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None at this time.

EH: Clerks Office

AGENDA ITEM: _____

6A

**FINAL REPORT OF THE
2010 CHARTER REVISION COMMISSION
April 20, 2010**



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BACKGROUND

On October 29, 1964, a public hearing was held by the Charter Commission in order to organize and draft the town's first Charter which was passed by the electors and became effective on November 6, 1973. In 1975 a Charter Revision Commission met to recommend a change to the Tax Collector and Town Clerk's offices, which would require a simple majority vote rather than a 4/5's majority vote for the removal process in these offices.

A second Charter Revision Commission was formed in 1987 to:

1. Review the positions of Town Clerk, Tax Collector and Treasurer in Section 3.3;
2. Review the recommendation to consolidate the Board of Selectmen and the Board of Finance into either Board of Selectmen or Town Council; and
3. To consider the appropriation amount that would require a town meeting, and any other revisions pursuant to the limits of the Connecticut General Statutes.

The Charter was amended November 3, 1987 and was the sound framework from which this commission worked.

In 2010 the Town Council, noting that the Town Charter had not been formally reviewed since 1987, created the third Charter Revision Commission which consisted of Chairperson Terry Concannon, Vice Chairperson Julie Ciucias, Commissioner David Balthazar, Commissioner Melissa Engel and Commissioner John Tuttle. Each member brought a vast amount of experience and knowledge to the table. Chairperson Concannon brought her experience as a State Representative from 1993 to 1999; Commissioners Engel and Tuttle both serve on the current Town Council as Chair and Vice-Chair respectively; Vice Chairperson Ciucias served as Chair of the Economic Development Commission and Commissioner Balthazar served as the Republican Town Committee Chair. In addition, Town Manager, Jeffery O'Keefe, provided his professional experience and Town Attorney, Jean D'Aquila, ably guided the commission in creating a document to meet Statutory Code. Town Clerk, Sandra Wieleba, acted as recording secretary, carried out research and diligently worked with the Commission in completing its task.

The proposed changes made by this Charter Revision Commission will improve the existing charter while still maintaining a concise document that will endure and remain forward-looking as the town grows and prospers.

The Commission wishes to thank everyone, including members of the public who provided valuable input, who has been a part of this undertaking. It took team effort to accomplish our goal to review and update the Charter of the Town of East Hampton.

Respectfully,
CHARTER REVISION COMMISSION
Terry Concannon, Chairperson
Julie Ciucias, Vice Chairperson
David Balthazar
Melissa Engel
John Tuttle

RESOLUTION

Defining the Charge of the Charter Revision Commission and Appointing Members to said Commission

WHEREAS, pursuant to Section 7-190(a) of the Connecticut General Statutes, the Town Council of the Town of East Hampton, wishes to appoint five members to the Charter Revision Commission all of whom shall be electors of the Town of East Hampton; and

WHEREAS, the names of those members hereby appointed to the Charter Revision Commission are: Melissa Engel, John Tuttle, Dave Balthazar, Terry Concannon, and Julie Ciucias; and

WHEREAS, pursuant to Section 7-190(b) of the Connecticut General Statutes, the Town Council of the Town of East Hampton, desires to make recommendations to the Charter Revision Commission; and

WHEREAS, pursuant to Section 7-190(b) of the Connecticut General Statutes, the Town Council of the Town of East Hampton must establish when said Commission shall submit its draft report to the Town Clerk of East Hampton for transmittal to the Town Council.

NOW, THEREFORE, be it resolved by the Town Council of East Hampton that the following five electors are hereby appointed to the Charter Revision Commission: Melissa Engel, John Tuttle, Dave Balthazar, Terry Concannon, and Julie Ciucias.

NOW, THEREFORE, be it resolved by the Town Council of East Hampton that the following recommendations be directed to the Charter Revision Commission forthwith:

1. Review the method of the election of Town Council members (Section 2.1) of the Town Charter to consider changing to four (4) year overlapping staggered terms.
2. Review (Section 2.2) to consider that the "organizational meeting" may be conducted at the next regularly scheduled Town Council meeting rather than the next day after the election. Consider adding a provision for a Vice-Chairman.
3. Review (Section 3.1) to consider adding language that not only the Town Manager, but the Public Works Director, The Chief of Police and the Towns Emergency Management Director must live in Town or within some

acceptable radius of the Town. Review State statutes to insure language regarding appointment of Town Manager conforms to State Statues.

4. Review the provisions of the Town Charter regarding the adoption of the annual budget. A) Revise language to the State Statue requirement that budget must go to a referendum. B) Consider adding a threshold amount for public easements that would not require a town meeting and C) consider adding language that after two failed budget referendums the Town Council shall adopt the budget. Combine zoning commission and town plan commission into Planning & Zoning Commission.
5. Review the provisions (Section 4.3) of the Town Charter regarding Petition for Enactment of Ordinances. Can the language be written in a fashion that is easier to understand?
6. Review the provisions of the Town Charter (Section 5.2 – General Powers and Duties of the Board of Finance) to clarify the section that indicates the Board of Finance shall review and make recommendations regarding all requests for additional appropriations to be submitted to the council. Additionally, consider allowing the Town Council the power to set the Town Meeting date or Referendum for the budget at a regularly scheduled council meeting rather than at a “special meeting.”
7. Review and eliminate Section 6.2 from the Town of East Hamptons Town Charter as it is no longer needed.
8. Review the provisions of (Section 6.4 – Vacancies in Elective Offices) to consider adding language that the position being vacated must be filled from the same elected party in which it was vacated.
9. Modify (Section 6.7 – Effective Date) to conform to the new Charter Amended Effective dates.

The review by the Charter Revision Commission is not restricted to the areas identified above.

BE IT FURTHER RESOLVED by the Town Council of the Town of East Hampton that the Charter Revision Commission submits to the Clerk of the Town of East Hampton its draft report no later than April 30th, 2010.

Methodology

The following resources and methods were used by Charter Revision Commission members in order to conduct research, to facilitate decision-making and to formulate charter revision recommendations:

- Public input via hearings, meetings and e-mail correspondence,
- Commission research of the existing charters and revisions of other towns,
- Commission interviews of other town's personnel, town of East Hampton personnel, and past and present board and town commission members,
- Commission members' professional and civic experience,
- Town Manager and Town Clerk research and professional expertise,
- Town Attorney research, statutory confirmation, and legal interpretation,
- Commission discussion and debate.

Town Council Charge and Charter Revision Recommendations

1. Review the method of the election of Town Council members (Section 2.1) of the Town Charter to consider changing to four (4) year overlapping staggered terms.

Current Language

Proposed New Language

CHAPTER II. THE TOWN COUNCIL	CHAPTER II. THE TOWN COUNCIL
Section 2.1. Election. At each biennial election there shall be elected seven members of the Town Council, hereinafter referred to as the "council", all for terms of two years, who shall serve without compensation. Not more than five of the members shall be of the same political party. No member shall hold any other office under the government of the Town of East Hampton, nor shall be, during the term of office for which he is elected, and for two years thereafter, be appointed to any office or position of profit under the government of said town.	Section 2.1. Election. The Town Council hereinafter referred to as the "council" shall consist of seven members who shall serve without compensation. Not more than five of the members shall be of the same political party. At the biennial election in 2011, four candidates shall be elected to a four-year term of office and three candidates shall be elected to a two-year term of office. For each biennial election after 2011, the number of members to be elected will be determined by the number of members whose terms are expiring and each candidate will be elected for a four-year term of office. No member shall hold any position of profit under the government of the Town of East Hampton, during the term of office for which he or she is elected, and for two years thereafter. Additionally, no member shall serve in another elected or appointed office under the government of the Town of East Hampton during the term of office for which he or she is elected, except for all entities appointed by the council.

Rationale for change: (1) Institution of a four-year overlapping term will allow the Town Council to maintain consistency with regard to projects already started and also remain on target for completion of projects. It will also retain knowledge and experience on running town government and allow guidance to newly elected members to the Town Council;

(2) Full voting will allow the voter to elect the full number of seats available for each elected position. The minority representation rule will still apply;

(3) Another change to this section allows an individual to serve on any entity appointed by the Town Council while simultaneously serving on the Town Council and eliminates the two-year waiting period after a member's term on the Town Council is over in order to bring experience in areas where it is desired.

(4) The final change and throughout the Charter makes it gender neutral.

Charter Commission Vote: 5 – 0 – 0

2. Review (Section 2.2) to consider that the “organizational meeting” may be conducted at the next regularly scheduled Town Council meeting rather than the next day after the election. Consider adding a provision for a Vice-Chairman.

Current Language

Proposed New Language

<u>Section 2.2 Chairman</u>	Section 2.2. Term and Chair/Vice-Chair.
<p>The council shall hold an organizational meeting on the first Wednesday following the regular biennial town election in November, 1989, and biennially thereafter, for the purpose of choosing one of its members to be chairman, but this office shall not deprive the chairman of his vote on any question. He shall preside over all meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be recognized as the official head of the town for all ceremonial purposes, for military purposes and for the purpose of serving civil process. During his absence or disability his duties shall be performed by another member chosen by the council except as otherwise specifically provided in this charter.</p>	<p>The term of a member of the council shall commence on the first Wednesday following the biennial town election in November, provided he or she has been certified by the town clerk. The council shall hold an organizational meeting on the first Wednesday following the regular biennial town election in November, 2011, and biennially thereafter, for the purpose of choosing one of its members to be chair, but this office shall not deprive the chair of his or her vote on any question. The council shall also elect one of its members as vice-chair. The chair shall preside over all meetings of the council and perform such other duties consistent with his or her office as may be imposed by the council. The chair shall be recognized as the official head of the town for all ceremonial purposes, for military purposes and for the purpose of serving civil process. During the chair's absence or disability the duties shall be performed by the vice-chair or another member chosen by the council except as otherwise specifically provided in this charter.</p>

Rationale for change: Allows the new council to assume its role immediately following an election. Additional language was added to this section in the event of a close or tie vote between candidates. The candidates not affected by a close or tie vote, will be qualified by the Town Clerk the day after the election. The current Charter has no formal provision for the appointment of a vice-chair. This language will now formalize this process.

Charter Commission Vote:

5 – 0 – 0

3. Review (Section 3.1) to consider adding language that not only the Town Manager, but the Public Works Director, The Chief of Police and the Towns Emergency Management Director must live in Town or within some acceptable radius of the Town. Review State statues to insure language regarding appointment of Town Manager conforms to State Statues.

Current Language

Proposed New Language

CHAPTER III. TOWN MANAGER	CHAPTER III. TOWN MANAGER
<p>Section 3.1. Selection.</p> <p>The town manager shall be chosen by the council exclusively on the basis of his administrative qualifications, character and experience. He shall be the chief executive officer and chief administrative officer of the town. At the time of his appointment the town manager need not be a resident of the town of East Hampton, but within one year of the commencement of his term as town manager he shall establish and maintain residence in the town</p>	<p>Section 3.1. Selection.</p> <p>The town manager shall be chosen by the council exclusively on the basis of his or her administrative qualifications, character and experience. He or she shall be the chief executive officer and chief administrative officer of the town. The council shall conduct a performance evaluation of the Town Manager annually by December 31st.</p>

Rationale for Charge: The Commission performed thorough research of the residential requirements in the charters of other Connecticut municipalities (especially those with a town government structure similar to East Hampton), the dates these charters were created, and when they were revised. The Commission heard commentary from 2 department heads who reside outside of East Hampton, and was apprised of the quality of life and family impact related to living and working in the same town. Public comment was considered. Interviews and commentary underscored the potential deleterious effect that a residency requirement has on the pool of optimally qualified and experienced job candidates. The indisputable positive role that advanced technology directly plays in changing the landscape of the contemporary workplace and in the ability of town employees to perform their respective jobs was carefully evaluated.

Language was added that would require the Town Council to conduct a performance evaluation of the Town Manager annually.

Charter Commission Vote: 4 – 1 – 0

4. Review the provisions of the Town Charter regarding the adoption of the annual budget.
 - a. Revise language to the state statue requirement that budget must go to a referendum.

Rationale for no change: The Commission was informed by the Town Clerk that budgets did not have to go to a referendum and therefore voted unanimously to take no action.

Charter Commission Vote: 5 – 0 – 0

b. Consider adding a threshold amount for public easements that would not require a town meeting.

Current Language	Proposed New Language
<p>CHAPTER IV. TOWN MEETING</p> <p>Section 4.1.</p> <p>The town meeting shall have the power to adopt the annual budget and shall approve the issuance of all bonds and notes. Any additional appropriations made during the fiscal year, to a board, commission, department or agency in excess of an amount specified by town ordinance shall be approved by the town meeting. Any ordinance or resolution authorizing the purchase or sale of any interest in real estate shall be acted upon by the town meeting, after approval by the Board of Finance. The power to enact and amend zoning regulations shall continue to be exercised by the zoning commission and the power to enact subdivision regulations shall continue to be exercised by the town plan commission, all in accordance with the General Statutes or as they may be amended, subject to change made by ordinance enacted pursuant to the provisions of the General Statutes governing zoning and planning.</p>	<p>CHAPTER IV. TOWN MEETING</p> <p>Section 4.1.</p> <p>The town meeting shall approve the issuance of all bonds and notes. The town meeting shall have the power to adopt the annual budget at a budget referendum to be scheduled by the council for the first Tuesday in May. If necessary, subsequent referenda shall be scheduled by the council until a budget is approved. Any ordinance or resolution authorizing the purchase or sale of any interest in real estate shall be acted upon by the town meeting, after review by the Board of Finance and approval by the council. However, purchase or sale of any interest in real estate for Public Works' projects only, and for fifteen thousand dollars or less, may be approved by the council following review by the Board of Finance.</p>

Rationale for change: By placing a reasonable dollar amount on projects that can be approved by the Town Council, rather than at a town meeting, it will allow the Public Works' department to move forward expeditiously on projects relating to the department. Projects in excess of \$15,000 will still be handled through the town meeting format.

Charter Commission Vote: 5 – 0 – 0

c. Consider adding language that after two failed budget referendums the Town Council shall adopt the budget.

Rationale for no change: In response to the public input at the March 1st public hearing, it was unanimously agreed upon by the members of the Commission not to restrict or remove the rights of the electors concerning the budget. The Commission approved the insertion of a date which will mandate that the budget and all public hearings have been completed in order to put the budget to a vote on the first Tuesday in May of every year. There will be no restriction on the number of referenda needed to pass a budget.

Charter Commission Vote: 5 – 0 – 0

d. Combine zoning commission and town plan commission into Planning & Zoning Commission.

Current Language	Proposed New Language
<p>CHAPTER IV. TOWN MEETING</p> <p>Section 4.1.</p> <p>The town meeting shall have the power to adopt the annual budget and shall approve the issuance of all bonds and notes. Any additional appropriations made during the fiscal year, to a board, commission, department or agency in excess of an amount specified by town ordinance shall be approved by the town meeting. Any ordinance or resolution authorizing the purchase or sale of any interest in real estate shall be acted upon by the town meeting, after approval by the Board of Finance. The power to enact and amend zoning regulations shall continue to be exercised by the zoning commission and the power to enact subdivision regulations shall continue to be exercised by the town plan commission, all in accordance with the General Statutes or as they may be amended, subject to change made by ordinance enacted pursuant to the provisions of the General Statutes governing zoning and planning.</p>	<p>CHAPTER VI. MISCELLANEOUS</p> <p>[New] Section 6.5 Planning & Zoning Commission</p> <p>The power to enact and amend zoning regulations and the power to enact subdivision regulations shall continue to be exercised by the planning & zoning commission, all in accordance with the General Statutes or as they may be amended, subject to change made by ordinance enacted pursuant to the provisions of the General Statutes governing planning & zoning.</p>

Rationale for change: This change was to clarify and correctly identify the Planning and Zoning Commission. The text was removed from Section 4.1 and became new Section 6.5 under Chapter VI. Miscellaneous.

Charter Commission Vote: 5 – 0 – 0

5. Review the provisions (Section 4.3) of the Town Charter regarding Petition for Enactment of Ordinances. Can the language be written in a fashion that is easier to understand?

Current Language	Proposed New Language
<p>Section 4.2. Petition for overrule of action of the Town Council.</p> <p>Ordinances adopted by the council, except emergency ordinances adopted in accordance with the provisions of Chapter II, Section 2.5 of this charter, shall be subject to overrule by a special town meeting as follows: If within 20 days after publication of any such ordinance, a petition conforming to the requirements of Section 7-9 of the General Statutes, as amended and signed by not less than 10% of the voters qualified to vote in a town meeting is filed with the town clerk requesting its reference to a special town meeting, the effective date of such ordinance shall be suspended and the council shall fix the time and place of such meeting, which shall be within 20 days after the filing</p>	<p>Section 4.2 Who can vote at town meeting.</p> <p>Pursuant to Section 7-6 of the General Statutes, as amended, the following individuals are eligible to vote in any town meeting: any person who is an elector of the Town of East Hampton and any United States citizen who is at least eighteen years of age who, jointly or severally, is liable to the Town of East Hampton for taxes assessed against him or her on an assessment of one thousand dollars or more on the last completed grand list of the Town of East Hampton, or who would be so liable if not entitled to an exemption as outlined in Section 7-6 of the General Statutes.</p>

of the petition, and notice thereof shall be given in the manner provided by law for the calling of a special town meeting. An ordinance so referred shall take effect upon the conclusion of such meeting unless a majority of those voting thereon, shall have voted in favor of overruling.

Section 4.3. Petition for enactment of ordinances.

No less than 10% of the voters qualified to vote in a town meeting may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a special town meeting, to be held within 30 days from the date of filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such meeting shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. If a majority of the persons entitled to vote, voting at such meeting, shall vote "yes" then such ordinance shall take effect on the tenth day thereafter without further action of the council. Any such proposed ordinance shall be examined by the town attorney before being submitted to the special town meeting. The town attorney is authorized to correct the form of the ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not materially changing its meaning and effect.

Section 4.4. Referendum.

Any item, or items on the call of any town meeting, including items resulting from petitions filed pursuant to Chapter IV, or Section 4.2 or 4.3 of this charter, shall be subject to vote by ballot or voting machine pursuant to the provisions of General Statutes Section 7-7, as amended. Any such items may also be submitted to a vote by ballot or voting machine in accordance with Section 7-7, as amended, by vote of the council.

Section 4.3. Petition for overrule of action of the Town Council.

Ordinances adopted by the council, except emergency ordinances adopted in accordance with the provisions of Chapter II, Section 2.5 of this charter, shall be subject to overrule by a special town meeting as follows: If within 20 days after publication of any such ordinance, a petition conforming to the requirements of Section 7-9 of the General Statutes, as amended and signed by not less than 10% of the voters eligible to vote in a town meeting, as such eligibility is defined in Section 4.2 of this Charter, is filed with the town clerk requesting its reference to a special town meeting, the effective date of such ordinance shall be suspended and the council shall fix the time and place of such meeting, which shall be within 20 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a special town meeting. An ordinance so referred shall take effect upon the conclusion of such meeting unless a majority of those voting thereon, shall have voted in favor of overruling.

Section 4.4. Petition for enactment of ordinances.

No less than 10% of the voters eligible to vote in a town meeting, as such eligibility is defined in Section 4.2 of this Charter, may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a special town meeting, to be held within 30 days from the date of filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such meeting shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. If a majority of the persons entitled to vote, voting at such meeting, shall vote "yes" then such ordinance shall take effect on the tenth day thereafter without further action of the council. Any such proposed ordinance shall be examined by the town attorney before being submitted to the special town meeting. The town attorney is authorized to correct the form of the ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not materially changing its meaning and effect.

Section 4.5. Referendum.

Any item, or items on the call of any town meeting, including items resulting from petitions filed pursuant to Chapter IV, or Section 4.3 or 4.4 of this charter, shall be subject to vote by ballot or voting machine pursuant to the provisions of General Statutes Section 7-7, as amended. Any such items may also be submitted to a vote by ballot or voting machine in accordance with Section 7-7, as amended, by vote of the council.

Rationale for change: The Commission defined who can vote at a town meeting and added this as a new section under Chapter IV. Town Meeting – Section 4.2. per State Statute.

The other sections following this new section were renumbered. Section 4.3 Petition for overrule of action of the Town Council was amended to correctly refer back to Section 4.2.

Section 4.4 Petition for enactment of ordinances was also amended to correctly refer back to Section 4.2.

Section 4.5 Referendum was also amended to correctly refer back to Section 4.3 or 4.4.

Charter Commission Vote: 5 – 0 – 0

6. Review the provisions of the Town Charter (Section 5.2 – General Powers and Duties of the Board of Finance) to clarify the section that indicates the Board of Finance shall review and make recommendations regarding all requests for additional appropriations to be submitted to the council. Additionally, consider allowing the Town Council the power to set the Town Meeting date or Referendum for the budget at a regularly scheduled council meeting rather than at a “special meeting.”

Current Language

Proposed New Language

CHAPTER V. BOARD OF FINANCE	CHAPTER V. BOARD OF FINANCE
<p>Section 5.2. General powers and duties.</p>	<p>Section 5.2. General powers and duties.</p>
<p>Upon receipt and consideration of the town council's policy statement concerning the proposed annual budget, the Board of Finance shall hold one or more public hearings on the proposed annual budget and shall with the advice of the town manager, not later than April 15 in each year, present to the council a complete proposed annual budget for the ensuing fiscal year. The council may make any alterations or reductions in the proposed annual budget that they deem necessary, except for increasing the total proposed annual budget and shall submit same to the town meeting for approval. If the town council disagrees with the total proposed annual budget, the council may reject same and return said proposed annual budget to the Board of Finance for further consideration. After further consideration, the Board of Finance shall submit the final proposed annual budget to the council and the council shall submit same to the town meeting for approval. Upon the establishment of the annual town budget by the town meeting, the Board of Finance shall fix the tax rate in mills which shall be levied upon the taxable property in the town on the grand list of the previous October 1. The Board of Finance shall review and make recommendations regarding all requests for additional appropriations to be submitted to the council.</p>	<p>Upon receipt and consideration of the council's policy statement concerning the proposed annual budget, the Board of Finance shall hold one or more public hearings on the proposed annual budget and shall with the advice of the town manager, not later than April 15 in each year, present to the council a complete proposed annual budget for the ensuing fiscal year. The council may make any alterations or reductions in the proposed annual budget that they deem necessary, except for increasing the total proposed annual budget and shall submit same to a budget referendum for approval. If the town council disagrees with the total proposed annual budget, the council may reject same and return said proposed annual budget to the Board of Finance for further consideration. After further consideration, the Board of Finance shall submit the final proposed annual budget to the council and the council shall submit same to a budget referendum for approval. Upon the establishment of the annual town budget by a budget referendum, the Board of Finance shall fix the tax rate in mills which shall be levied upon the taxable property in the town on the grand list of the previous October 1.</p> <p>Section 5.3. Supplemental Appropriations</p> <ol style="list-style-type: none"> (1) Additional appropriations to any board, commission, or agency not exceeding \$12,500 in total in the same fiscal year shall require council approval following the recommendation pro or con of the Board of Finance. (2) Additional appropriations to any board, commission, or agency exceeding \$12,500 in

	<p>total but not exceeding \$25,000 in total in the same fiscal year shall require either (a) the approval of both the Board of Finance and the council or (b) the approval of the council and town meeting approval for any such appropriations the Board of Finance disapproves.</p> <p>(3) Additional appropriations to any board, commission, or agency exceeding \$25,000 in total in same fiscal year shall require the recommendation pro or con of the Board of Finance, the approval of the council, and the approval of the town meeting.</p> <p>(4) Notwithstanding the above, cumulative appropriations in excess of 1% of the current adopted budget shall require approval of the council and town meeting.</p>
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Rationale for change: (1) This would eliminate a special town meeting and the costs associated with said town meeting;

(2) Replacing the term “review” with the word “consider” clarifies the role of the Board of Finance with regard to additional appropriations; and

(3) Provides a method for approving additional appropriations from the Town Fund Balance based upon the dollar amount requested as well as which body can approve the appropriation. It also provides a clear mechanism when there is a conflict between two bodies which would then allow the electors to vote at a town meeting.

Charter Commission Vote: 5 – 0 – 0

7. Review and eliminate Section 6.2 from the Town of East Hamptons Town Charter as it is no longer needed.

Current Language

Proposed New Language

<p>Section 6.2. Transitional offices.</p> <p>Persons elected to the positions of town clerk and tax collector, which hereafter shall be called collector of revenue, shall continue in office until the expiration of his or their term whereupon he or they shall be appointed for an indefinite period. When these offices become vacant, they shall be filled by appointment as prescribed in Section 3.3. The person elected to the position of town treasurer shall continue in office until the position of director of finance is filled by appointment, at which time the duties of treasurer shall be assumed by the director of finance as provided for in Section 3.3. and the position of treasurer abolished.</p>	<p>None.</p>
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Rationale for change: This section was put into the Charter when both the Town Clerk and Tax Collector were elected positions. Both positions are now appointed positions and therefore, this section is no longer needed.

The Commission also renamed Section 6.3 Other town officers to be called Town Officers and is now Section 6.2.

Charter Commission Vote: 5 – 0 – 0

8. Review the provisions of (Section 6.4 – Vacancies in Elective Offices) to consider adding language that the position being vacated must be filled from the same elected party in which it was vacated Section 6.4 (now known as 6.3).

Current Language	Proposed New Language
<p>Section 6.4. Vacancies in elective offices.</p> <p>Whenever a vacancy in an elective office occurs, the council or other appointing authority so designated by law, shall fill the vacancy by appointment for the unexpired portion of the term</p>	<p>Section 6.3. Vacancies in elective offices.</p> <p>When a person vacating an office was elected as a member of a political party, said political party shall appoint his or her successor who shall serve until the sooner of either the expiration of the term or the next biennial election, and his or her successor is elected and qualified. When a person vacating an office was not elected as a member of a political party, the council shall appoint his or her successor who shall serve until the sooner of either the expiration of the term or the next biennial election, and his or her successor is elected and qualified. Should the next biennial election occur before the expiration of the term, then the electors shall elect a successor to fill the vacancy for the unexpired portion of the term.</p>

Rationale for change: This change would allow the political Town Committees to make the recommendation for filling a vacancy, and that vacancy would be filled by the appointment of a member of the same political party for the unexpired portion of the term or until the next biennial town election. Section 6.4 would now be Section 6.3.

Charter Commission Vote: 5 – 0 – 0

9. Modify (Section 6.7 – Effective Date) to conform to the new Charter Amended Effective dates.

Current Language

Proposed New Language

Section 6.7. Effective date. This charter shall become effective for an election of a town council and the Board of Finance as provided for herein, at the regular town election of November 7, 1989, provided it is approved by the electors of the town at the regular election on November 3, 1987. If the charter is so approved, all other provisions of this charter shall be effective on the day after the regular town election of November 3, 1987, except that it shall be effective to confer upon the town the powers granted by Section 7-194 of the General Statutes or as it may be amended, on November 3, 1987.	Section 6.8. Effective date. The amendments to this charter shall become effective immediately upon ratification by the electors of the town on November 2, 2010 in the manner prescribed by section 7-191 of the General Statutes.
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Rationale for change: The Commission unanimously voted to amend the text in this section to reflect when these proposed changes shall take place, if approved by the Town Council and the electors of the Town of East Hampton.

Charter Commission Vote: 5 – 0 – 0

Additional Considerations

These items were not in the original resolution, but the Charter Revision Commission proposes to amend other sections and add additional language to the Charter.

Section 6.4 Voting for Elective Officers

Current Language

Proposed New Language

None	Section 6.4. Voting for Elective Officers An elector may vote for as many candidates for municipal office as there are seats to be filled in any municipal election.
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Rationale for change: In response to community input, the Commission added additional language to the Charter which identifies that all elected offices have full or open voting.

Charter Commission Vote: 5 – 0 – 0

Section 6.7 Amendment of Charter

Current Language

Proposed New Language

Section 6.6	Section 6.7
AMENDMENT OF CHARTER. This charter may be amended in the manner prescribed by law.	AMENDMENT OF CHARTER. The council shall review this Charter from time to time as it deems such review to be in the best interest of the Town, but at least every ten years. Said review shall be filed with the town clerk. Amendments to this Charter shall be in accordance with General Statutes Chapter 99, as the same may be from time to time amended.

Rationale for change: The Commission, after reviewing other town charters, decided to add language that would mandate that the Town Council review its Charter every ten years. It does not require the formation of a Charter Revision Commission unless the Town Council deems it is necessary. (was 6.6 now 6.7)

Charter Commission Vote: 5 – 0 – 0

The Charter Revision Commission also reviewed procedures for the removal of an elected official under two scenarios. One scenario would be if the elected official was found guilty of a felony and the other scenario dealt with a removal of an elected official. The individual found guilty of a felony would be removed after being convicted of that crime through procedures in State Statute according to the Town Attorney. The Town Attorney also indicated that the State of Connecticut did not have any recall provisions in State Statute for the removal of an elected official.

The Charter Revision Commission also reviewed the pros and cons of term limits and it was determined that elections serve as self-imposed term limits.

Note: the entire Charter will be amended to be gender neutral.

Final Recommendation by the Charter Revision Commission Concerning the Question on the November 2, 2010 Ballot

The Charter Revision Commission recommends that there be one question on the November 2, 2010 State Election ballot. The rationale for this decision was based on the following:

- The November 2, 2010 election is a State Election which may contain questions to be voted on by the electors which pertain to the State of Connecticut. At this time, we cannot determine the number of questions, if any, will be proposed on this ballot by the State in addition to our question.
- If we were to breakdown the vote into different questions, we could have as many as 12 questions.
- Too many questions on a ballot could result in either a vote against each question or no vote taken on any question which would have the same outcome.
- Electors are more careful voting for political candidates and offices rather than reading and voting on questions. This November ballot will have 11 offices and numerous candidates (Democratic, Republican, Green Party, Libertarian, etc) vying for each office.
- Due to the new voting "machines", electors are required to color in each circle for each vote cast.
- Explanatory text will explain that a "Yes" vote would approve all recommendations by the elector and a "No" vote would not approve the recommendations as proposed by Charter Revision Commission.

○ **TOWN OF EAST HAMPTON**

CHARTER

CHAPTER II. THE TOWN COUNCIL

Section 2.1.

ELECTION. The Town Council hereinafter referred to as the "council", shall consist of seven members who shall serve without compensation. Not more than five of the members shall be of the same political party. At the biennial election in 2011, four candidates shall be elected to a four-year term of office and three candidates shall be elected to a two-year term of office. For each biennial election after 2011, the number of members to be elected will be determined by the number of members whose terms are expiring and each candidate will be elected for a four-year term of office. No member shall hold any position of profit under the government of the Town of East Hampton, during the term of office for which he or she is elected, and for two years thereafter. Additionally, no member shall serve in another elected or appointed office under the government of the Town of East Hampton during the term of office for which he or she is elected, except for all entities appointed by the council.

Section 2.2.

TERM AND CHAIR/VICE-CHAIR. The term of a member of the council shall commence on the first Wednesday following the biennial town election in November, provided he or she has been certified by the town clerk. The council shall hold an organizational meeting on the first Wednesday following the regular biennial town election in November, 2011, and biennially thereafter, for the purpose of choosing one of its members to be chair, but this office shall not deprive the chair of his or her vote on any question. The council shall also elect one of its members as vice-chair. The chair shall preside over all meetings of the council and perform such other duties consistent with his or her office as may be imposed by the council. The chair shall be recognized as the official head of the town for all ceremonial purposes, for military purposes and for the purpose of serving civil process. During the chair's absence or disability the duties shall be performed by the vice-chair or another member chosen by the council except as otherwise specifically provided in this charter.

CHAPTER III. TOWN MANAGER

Section 3.1..

SELECTION. The town manager shall be chosen by the council exclusively on the basis of his or her administrative qualifications, character and experience. He or she shall be the chief executive officer and chief administrative officer of the town. The council shall conduct a performance evaluation of the Town Manager annually by December 31st.

CHAPTER IV. TOWN MEETING

Section 4.1.

The town meeting shall approve the issuance of all bonds and notes. The town meeting shall have the power to adopt the annual budget at a budget referendum to be scheduled by the council for the first Tuesday in May. If necessary, subsequent referenda shall be scheduled by the council until a budget is approved. Any ordinance or resolution authorizing the purchase or sale of any interest in real estate shall be acted upon by the town meeting, after review by the

Board of Finance and approval by the council. However, purchase or sale of any interest in real estate for Public Works' projects only, and for fifteen thousand dollars or less, may be approved by the council following review by the Board of Finance.

Section 4.2.

WHO CAN VOTE AT A TOWN MEETING. Pursuant to Section 7-6 of the General Statutes, as amended, the following individuals are eligible to vote in any town meeting: any person who is an elector of the Town of East Hampton and any United States citizen who is at least eighteen years of age who, jointly or severally, is liable to the Town of East Hampton for taxes assessed against him or her on an assessment of one thousand dollars or more on the last completed grand list of the Town of East Hampton, or who would be so liable if not entitled to an exemption as outlined in Section 7-6 of the General Statutes.

Section 4.3.

PETITION FOR OVERRULE OF ACTION OF THE TOWN COUNCIL. Ordinances adopted by the council, except emergency ordinances adopted in accordance with the provisions of Chapter II, Section 2.5 of this charter, shall be subject to overrule by a special town meeting as follows: If within 20 days after publication of any such ordinance, a petition conforming to the requirements of Section 7-9 of the General Statutes, as amended and signed by not less than 10% of the voters eligible to vote in a town meeting, as such eligibility is defined in Section 4.2 of this Charter, is filed with the town clerk requesting its reference to a special town meeting, the effective date of such ordinance shall be suspended and the council shall fix the time and place of such meeting, which shall be within 20 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a special town meeting. An ordinance so referred shall take effect upon the conclusion of such meeting unless a majority of those voting thereon, shall have voted in favor of overruling.

Section 4.4.

PETITION FOR ENACTMENT OF ORDINANCES. No less than 10% of the voters eligible to vote in a town meeting, as such eligibility is defined in Section 4.2 of this Charter, may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a special town meeting, to be held within 30 days from the date of filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such meeting shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. If a majority of the persons entitled to vote, voting at such meeting, shall vote "yes" then such ordinance shall take effect on the tenth day thereafter without further action of the council. Any such proposed ordinance shall be examined by the town attorney before being submitted to the special town meeting. The town attorney is authorized to correct the form of the ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not materially changing its meaning and effect.

Section 4.5.

REFERENDUM. Any item, or items on the call of any town meeting, including items resulting from petitions filed pursuant to Chapter IV, or Section 4.3 or 4.4 of this charter, shall be subject to vote by ballot or voting machine pursuant to the provisions of General Statutes Section 7-7, as

amended. Any such items may also be submitted to a vote by ballot or voting machine in accordance with Section 7-7, as amended, by vote of the council.

CHAPTER V. BOARD OF FINANCE

Section 5.2.

GENERAL POWERS AND DUTIES. Upon receipt and consideration of the council's policy statement concerning the proposed annual budget, the Board of Finance shall hold one or more public hearings on the proposed annual budget and shall with the advice of the town manager, not later than April 15 in each year, present to the council a complete proposed annual budget for the ensuing fiscal year. The council may make any alterations or reductions in the proposed annual budget that they deem necessary, except for increasing the total proposed annual budget and shall submit same to a budget referendum for approval. If the town council disagrees with the total proposed annual budget, the council may reject same and return said proposed annual budget to the Board of Finance for further consideration. After further consideration, the Board of Finance shall submit the final proposed annual budget to the council and the council shall submit same to a budget referendum for approval. Upon the establishment of the annual town budget by a budget referendum, the Board of Finance shall fix the tax rate in mills which shall be levied upon the taxable property in the town on the grand list of the previous October 1.

Section 5.3.

SUPPLEMENTAL APPROPRIATIONS. (1) Additional appropriations to any board, commission, or agency not exceeding \$12,500 in total in the same fiscal year shall require council approval following the recommendation pro or con of the Board of Finance.

(2) Additional appropriations to any board, commission, or agency exceeding \$12,500 in total but not exceeding \$25,000 in total in the same fiscal year shall require either (a) the approval of both the Board of Finance and the council or (b) the approval of the council and town meeting approval for any such appropriations the Board of Finance disapproves.

(3) Additional appropriations to any board, commission, or agency exceeding \$25,000 in total in the same fiscal year shall require the recommendation pro or con of the Board of Finance, the approval of the council, and the approval of the town meeting.

(4) Notwithstanding the above, cumulative appropriations in excess of 1% of the current adopted budget shall require approval of the council and town meeting.

CHAPTER VI. MISCELLANEOUS

Section 6.2.

TOWN OFFICERS. Except as otherwise specifically provided by this charter the Town of East Hampton shall have such town officers, departments, boards, commissions and agencies as now exist and as are provided by the General Statutes, Special Acts or as provided by any ordinance adopted pursuant to law. All such officers, departments, boards, commissions and agencies, including the Board of Finance, shall be elected or appointed in the manner provided by General Statutes or by Special Act or by this charter or as provided by ordinances adopted pursuant to law, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this charter, ordinances or regulations adopted pursuant to law, or amendments thereto.

Section 6.3.

VACANCIES IN ELECTIVE OFFICES. When a person vacating an office was elected as a member of a political party, said political party shall appoint his or her successor who shall serve until the sooner of either the expiration of the term or the next biennial election, and his or her successor is elected and qualified. When a person vacating an office was not elected as a member of a political party, the council shall appoint his or her successor who shall serve until the sooner of either the expiration of the term or the next biennial election, and his or her successor is elected and qualified. Should the next biennial election occur before the expiration of the term, then the electors shall elect a successor to fill the vacancy for the unexpired portion of the term.

Section 6.4.

VOTING FOR ELECTIVE OFFICERS. An elector may vote for as many candidates for municipal office as there are seats to be filled in any municipal election.

Section 6.5.

PLANNING & ZONING COMMISSION. The power to enact and amend zoning regulations and the power to enact subdivision regulations shall continue to be exercised by the planning & zoning commission, all in accordance with the General Statutes or as they may be amended, subject to change made by ordinance enacted pursuant to the provisions of the General Statutes governing planning & zoning.

Section 6.6.

SAVING CLAUSE. If any section or part of any section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Section 6.7.

AMENDMENT OF CHARTER. The council shall review this Charter from time to time as it deems such review to be in the best interest of the Town, but at least every ten years. Said review shall be filed with the Town Clerk. Amendments to this Charter shall be in accordance with General Statutes Chapter 99, as the same may be from time to time amended.

Section 6.8.

EFFECTIVE DATE. The amendment to this charter shall become effective immediately upon ratification by the electors of the Town on November 2, 2010 in the manner prescribed by section 7-191 of the General Statutes.

TOWN OF EAST HAMPTON

AGENDA REPORT

Town Manager Approval: JW

Item to be presented by: Jeffery O'Keefe

DATE: April 27, 2010

SUBJECT: Adoption of Certified Resolution for Submittal of CDBG Grant

DEPARTMENT: Town Manager's Office

RECOMMENDED ACTION

That Council adopt the certified resolution for the submission of the Small Cities Community Development Block Grant Program application through the Connecticut Department of Economic and Community Development (DECD).

BACKGROUND

The certified resolution will allow Town Staff, along with Consultant L. Wagner & Associates, to submit the grant application and all appropriate material to the DECD.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

None

EH: Clerks Office

AGENDA ITEM: 8A

**Nancy Hasselman, CCMC
Collector of Revenue
Town of East Hampton**

April 23, 2010

To: The East Hampton Town Council

Please find copies of tax refunds for your review. The total refunds equal \$273.61.

Thank you for your assistance.

Nancy Hasselman, CCMC

Nancy Hasselman, CCMC
Collector of Revenue

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